

**STATEMENT OF ELAINE F. DAVIES
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U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE COMMITTEE ON
COMMERCE, SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE**

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Good Afternoon Mr. Chairman and Members of the Committee. I am Elaine Davies, Deputy Director of EPA's Office of Emergency and Remedial Response. I am pleased to appear today to discuss EPA's responsibilities in the event of a major oil spill in our Nation's waters.

EPA's Oil Spill Response Program is an integrated program that works to prevent, prepare for and respond to spills at a wide variety of facilities that handle, store, or use oil across the country. EPA regulates approximately 400,000 facilities, including oil production, bulk oil storage, and oil refinery facilities that store or use oil in above-ground and certain below-ground storage tanks. Additionally, EPA is the principal federal response agency for spills in inland waters, including oil pipeline ruptures and tank spills.

EPA shares the responsibility of responding to oil spills with the U.S. Coast Guard (USCG). Further, we share the responsibility for prevention and preparedness with USCG and several other federal agencies. The USCG responds to spills that occur along the coast of the United States, or the coastal zone, and EPA responds to spills that occur in the internal United States, or the inland zones. The exact lines between the inland and coastal zones are determined locally and established by Memoranda of Agreement (MOAs) between regional EPA and Coast Guard offices. While oil spills that occur off the coast of the United States and certain transportation related oil spill prevention activities, such as the phase-out of single hull tanker vessels, are the principal responsibility of the Coast Guard, EPA often provides assistance and works closely with the USCG at all times.

EPA strongly supports the USCG's efforts to implement Oil Pollution Act requirements for double hull tankers. The phase-out of single hull tankers is an important component of federal efforts to protect our Nation's environmental and natural resources from potentially catastrophic spills.

EPA'S OIL RESPONSE PROGRAM

Each year, millions of gallons of petroleum and other oils are transported and stored throughout the country, creating a significant potential for oil spills and serious threats to human health and the environment. Approximately 20,000 oil spills are reported to the federal government each year, and of those, EPA evaluates as many as 13,000 to determine if its assistance is required. On average, EPA either manages the oil spill response or oversees the response efforts of private parties at approximately 300 sites per year.

The type and extent of EPA's participation in an oil spill response varies depending on who is actually leading the oil spill cleanup and where the spill is located. If the party responsible for the spill is unknown, unwilling, or unable to clean up the spill, EPA may be the lead responder, and the response decisions and activities are made by EPA and paid for by the Federal Oil Spill Liability Trust Fund. This is, however, a rare occurrence, and the majority of oil spills are cleaned up and paid for by the parties responsible for the spill, with EPA's advice or under EPA's direction, or in some instances by a state agency.

The type of technical assistance EPA provides after an oil spill includes air and water monitoring support and access to the Federal Environmental Response Team, a group of highly skilled environmental experts available to employ the most up-to-date and innovative technological practices to each and every response situation.

EPA is also responsible for maintaining the National Contingency Plan's (NCP) Product Schedule. The NCP Product Schedule lists chemical and biological products available to a federal On-Scene Coordinator (CSC) that may help clean up an oil spill. Due to the unique nature of each oil spill, and the potential impact on natural resources, OSCs help determine which products, if any, may be used on a particular spill. To make the best use of this resource, an OSC, in consultation with the Regional Response Team (RRT), is the final decision maker in determining which technology and particular product would most successfully assist in the spill cleanup.

EPA'S OIL SPILL COORDINATION WITH THE USCG

EPA and the USCG closely coordinate our activities to ensure an effective national oil spill response program. One major coordination tool is the National Contingency Plan (NCP). The NCP is the federal government's blueprint for responding to both oil spills and hazardous substance releases among federal, state, and local authorities. Additionally, it provides the government with a framework for notification, communication, and responsibility for response to an oil spill.

Under the NCP, another major coordination tool is the National Response Team (NRT). Composed of up to 16 federal agencies, with EPA serving as chair and the Coast Guard serving as vice-chair, the NRT assists responders by providing information, technical advice, and access to resources and equipment during an incident. In the event that response is needed by more than one federal region, the NRT helps coordinate the overall response efforts.

In addition to the NRT, there are 13 Regional Response Teams (RRTs), one for each of EPA's ten regional offices and one each for Alaska, the Caribbean, and the Pacific Basin. RRTs are co-chaired by each EPA Region and its Coast Guard counterpart. The RRTs work with the federal OSC in making certain response decisions, and identifying and accumulating specialized resources.

For example, through the RRT, the OSC can request and receive assistance on natural

resource issues from the Department of Interior, or borrow specialized equipment from the Department of Defense. Involvement of the RRT in these response decisions and activities helps ensure efficient agency coordination while providing the OSC with the assistance necessary for successful response.

In addition, during major oil spills, EPA joins with other responders in implementing an Incident Command System (ICS). This system provides the OSC with an organizational structure to facilitate and effectively use the resources from all appropriate Federal, State, local and private organizations.

EPA'S OIL SPILL PREPAREDNESS AND PREVENTION PROGRAM

While EPA's Oil Response Program is ready to respond whenever necessary, it is always better to prevent spills before they happen. This is the goal of EPA's Oil Spill Preparedness and Prevention Program.

A principal preparedness tool, Area Contingency Plans (ACPs), are a critical element of the national oil spill preparedness, prevention, and response infrastructure. The plans are created and updated by a committee composed of Federal, State, and local agency representatives who will work together during an actual emergency response. Chaired by an EPA OSC in the inland zone and the USCG in the coastal zone, the committees work with industry and responders to identify potential discharge scenarios, potentially affected resources (including environmentally sensitive areas), and possible response resources such as equipment and trained personnel. This up-front planning work allows the various agencies, including EPA and the USCG, to become familiar with each other and understand their expected roles and responsibilities during a response. It also ensures that high risk scenarios are considered and practiced before actual spills occur, thereby testing the response mechanism in a given area of the country.

EPA also requires owners and operators at certain high-risk, non-transportation related, oil storage facilities to prepare and submit to EPA a Facility Response Plan (FRP) that outlines exactly how a facility will respond to a worst-case oil spill at the facility. We also manage the Spill Prevention, Control and Countermeasures (SPCC) program, which requires owners or operators of all regulated oil facilities to prepare and implement facility plans to prevent an oil spill.

By working to prevent and prepare for oil spills across the country, the EPA Oil Program actively protects human health and the environment and greatly reduces the harmful effects of an oil spill.

CONCLUSION

EPA works diligently to maintain an effective Oil Spill Program. The lessons learned from preventing, preparing for, and responding to oil spills over the past 30 years have enabled EPA to build an overall emergency response program that effectively responds to and mitigates the human health and environmental effects of both natural and man-made events. EPA looks forward to working with Congress as we strive to meet our common goal of protecting human health and our Nation's environmental and natural resources through prevention, preparedness, and response to oil spills.